

ENFORCEMENT DECREE OF THE IMMIGRATION CONTROL ACT

Wholly Amended by Presidential Decree No. 13872, Mar. 30, 1993
Amended by Presidential Decree No. 14301, Jun. 30, 1994
Presidential Decree No. 14447, Dec. 23, 1994
Presidential Decree No. 14486, Dec. 31, 1994
Presidential Decree No. 14817, Dec. 1, 1995
Presidential Decree No. 15417, Jun. 28, 1997
Presidential Decree No. 15764, Apr. 1, 1998
Presidential Decree No. 16120, Feb. 26, 1999
Presidential Decree No. 16211, Mar. 31, 1999

CHAPTER I DEPARTURE AND ENTRY OF NATIONALS

Article 1 (Departure and Entry Inspection)

(1) A national of the Republic of Korea (hereinafter referred to as a "national"), when undergoing a departure inspection as provided in Article 3 of the Immigration Control Act (hereinafter referred to as the "Act") or an entry inspection as provided in Article 6 of this Act, shall present a passport or seaman's pocketbook (hereinafter referred to as the "passport, etc.") and an immigration declaration to the immigration control official and answer his questions.

(2) The immigration control official, when conducting the departure or entry inspection as provided in paragraph (1), shall confirm eligibility of the national concerned to entry or departure, and other necessary matters.

(3) The immigration control official, when having finished the departure or entry inspection as provided in paragraphs (1) and (2), shall stamp the passport, etc. and the immigration declaration with a seal of either departure or entry inspection. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995; Presidential Decree No. 15764, Apr. 1, 1998>*

(4) If a national who is a crew member of a ship, airplane, train, automobile or other means of transportation (hereinafter-referred to as a "ship, etc.") departs from or enters the Republic of Korea, an immigration control

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official may substitute for the presentation of an immigration declaration and the stamping of the departure or entry inspection seal, with the confirming the crew registration certificate or seaman's pocketbook, notwithstanding the provisions of paragraphs (1) and (3), except when the crew member of a ship, etc. that departs for the first time or enters for the last time the Republic of Korea. *(Amended by Presidential Decree No. 14301 Jun. 30, 1994; Presidential Decree No. 14817 Dec. 1, 1995)*

(5) A national who is a crew member of a ship, etc., when departing from the Republic of Korea for the first time, shall file a crew registration, except when he is a crew member of a ship, etc. which runs on a non-regular basis. *(Amended by Presidential Decree No. 14301 Jun. 30, 1994; Presidential Decree No. 15417 Jun. 28, 1997)*

(6) If a national who is obliged to do military service undergoes the departure inspection, he shall present his passport, etc. with other documents prescribed in the Military Service Act or produce a seal attesting that the national has indeed presented those documents.

(7) Only those who have obtained departure confirmation on the seaman's pocketbook from the competent authorities may depart from or enter the Republic of Korea with the seaman's pocketbook as provided in Articles 3 (1) and 6 (1) of the Act.

(8) If a national wants to enter the Republic of Korea without a valid passport or seaman's pocketbook as provided in Article 6 (2) of the Act, the immigration control official shall require him to present the documents which can prove that he is a national, examine those documents, and confirm that he has departed from the Republic of Korea.

(9) When examination of the documents as provided in paragraph (8) proves that the person is a national, the immigration control official shall stamp the immigration declaration with the entry inspection seal.

Article 2 (Request for and Revocation of Departure Prohibition)

(1) The head of central administrative agency or other agencies concerned (hereinafter referred to as the "head of the agency concerned") may request the Minister of Justice to prohibit the departure of a person who is deemed to be one of those described in subparagraphs of Article 4(1) of the Act, in connection with affairs under his jurisdiction.

(2) If the head of the agency concerned requests a departure prohibition as provided in paragraph (1), he shall request in writing the Minister

of Justice for a departure prohibition, specifying reasons the request and expected period of the departure prohibition.

(3) When examining the request for departure prohibition as provided in paragraph (1), the Minister of Justice may demand that the head of the agency concerned requesting the departure prohibition (hereinafter referred to as the "head of the requesting agency") send relevant materials.

(4) If the Minister of Justice decides not to prohibit the departure after examining the request for departure prohibition as provided in paragraphs (1) through (3), he shall notify the head of the requesting agency of the decision and reason thereof. *(Amended by Presidential Decree No. 14817, Jun. 30, 1995)*

(5) If departure prohibition needs to be maintained in excess of the prohibition term, the head of the requesting agency shall request an extension of the prohibition term in writing no later than three days before the departure prohibition expires.

(6) If the reason for departure prohibition ceases to exist, the head of the requesting agency shall without delay, in writing, request a cancellation of the departure prohibition.

Article 3 (Notification of Decision to Prohibit Departure)

If the Minister of Justice decides to prohibit departure as provided in Article 4 of the Act or to extend the term of departure prohibition as provided in Article 2 (5), he shall give notice of departure prohibition or extension of the term of departure prohibition to the person in question: *Provided*, That if it is deemed detrimental to the national security or public interest, he may not give notice of a decision to prohibit departure or to extend the term of departure prohibition.

Article 4 (Departure Prohibition Review Board)

(1) The Departure Prohibition Review Board (hereinafter referred to as the "Board") shall be installed within the Ministry of Justice with the purpose of reviewing important matters concerning departure prohibition of nationals as provided in Article 4 of the Act and departure suspension of foreigners as provided in Article 29 of the Act.

(2) The Board shall be composed of a chairman and up to 10 members.

(3) The Vice Minister of Justice shall chair the Board, and its members shall include the director general of the Legal Affairs Office in the Justice Ministry, director general of the Prosecution Bureau, and director general

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of the Immigration Bureau, and any officials or experts appointed or commissioned by the Minister of Justice.

(4) Details about functions and operations of the Board shall be prescribed by the Ordinance of the Ministry of Justice.

Article 5 (Keeping List of those Prohibited from Departure on File)

(1) If the Minister of Justice decides to prohibit departure as provided in Article 4 of the Act, he shall keep relevant records up to date without delay pursuant to the procedures for data processing in computer. The same shall also apply to cancellation of departure prohibition.

(2) The director general of the Local Immigration Office (hereinafter referred to as the "head of the office"), the head of the Branch Office of Local Immigration Office (hereinafter referred to as the "head of the branch office"), or the head of the Foreigner Internment Camp (hereinafter referred to as the "head of the internment camp") shall keep on file the list of those who are prohibited from departure as provided in paragraph (1), pursuant to the procedures for carrying out data processing in computer.

Article 6 (Custody of Passport, etc. and Its Notice)

(1) If the immigration control official takes a passport, etc. into custody as provided in Article 5 (1) of the Act, he shall issue a certificate of custody to the passport, etc. holder.

(2) The immigration control official may return *ex officio* or upon request the passport, etc. in custody for the following reasons:

1. Where departure prohibition as provided in Article 4 (1) of the Act is lifted: or

2. Where custody of a passport, etc. is deemed not necessary any longer.

(3) If the immigration control official takes a passport, etc. into custody as provided in Article 5 (2) of the Act, he may notify the passport, etc. holder or bearer of the custody of his reasons and also notify the head of the issuing agency thereof.

(4) If the head of a criminal investigation agency requests the submission of a passport, etc. in custody for the purpose of an investigation, if the passport, etc. becomes invalid while in custody, or if the head of the issuing agency requests, the head of the office or branch office may send the passport, etc. taken in custody as provided in Article 5 (1) and (2) of the Act to the head of the requesting agency or issuing agency. In this case,

if the passport, etc. has been taken in custody as provided in Article 5 (1) of the Act, the head of the office or branch office shall notify the passport, etc. holder of the submission.

CHAPTER II ENTRY AND LANDING OF FOREIGNERS

SECTION 1 ENTRY OF FOREIGNERS

Article 7 (Visa Issuance)

(1) A person who wants to obtain a visa as provided in Article 7 (1) of the Act, shall submit to the head of Korean diplomatic mission abroad an application for a visa with the documents prescribed by the Ordinance of the Ministry of Justice.

(2) When the head of the diplomatic mission abroad issues a visa to a foreigner who has applied for a visa as provided in paragraph (1), he shall imprint a visa stamp on the passport, etc. and enter the status and period of sojourn and the workplace as provided in Article 12, as prescribed by the Ordinance of the Ministry of Justice. *(Amended by Presidential Decree No. 15417, Jun. 28, 1997)*

(3) If it is deemed required for the visa issuance, the Minister of Justice may demand the person who wants to obtain a visa to submit a letter of recommendation issued by the head of the central administrative authorities concerned, or ask the head of the central administrative authorities for an opinion.

(4) The criteria for issuing the letter of recommendation as provided in paragraph (3) shall be prescribed by the head of the central administrative authorities in consultation with the Minister of Justice.

(5) When issuing a visa that allows for employment, the Minister of Justice shall consider the domestic employment environments.

Article 8 (Permission of Entry for International Friendship)

(1) Any person provided in the following subparagraphs may enter the Republic of Korea without a visa as provided in Article 7 (2) 3 of the Act:

1. A person who performs his duties for a foreign government or international organization and wants to enter the Republic of Korea without a visa for an unavoidable reason:

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2. A person who wants to enter the Republic of Korea for a sightseeing or transit purpose within the period prescribed by the Ordinance of the Ministry of Justice: or

3. Any other person whose entry is deemed by the Minister of Justice necessary for the best interests of the Republic of Korea.

(2) The procedures for permitting an entry of a person who may enter the Republic of Korea without a visa as provided in Article 7 (2) 3 of the Act shall be prescribed by the Ordinance of the Ministry of Justice.

(3) The range of those who may enter the Republic of Korea without a visa as provided in Article 7 (2) 3 of the Act shall be specified by the Minister of Justice with the security of the nation and society and the order of the foreigners' sojourn taken into consideration.

Article 9 (Suspension of Application of Visa Exemption Convention)

(1) If the Minister of Justice wants to suspend an application of the Visa Exemption Convention as provided in Article 7 (3) of the Act, he shall consult in advance with the Minister of Foreign Affairs.

(2) If the Minister of Justice decides to suspend application of the agreement on the waiver of visa as provided in paragraph (1), he shall notify the other parties to the convention through the Minister of Foreign Affairs of the suspension without delay.

Article 10 (Issuance of Foreigner Entry Permit)

(1) If the Minister of Justice has designated countries after consulting with the Minister of Foreign Affairs as provided in Article 7 (4) of the Act, he shall notify the heads of the diplomatic mission abroad, the office, and the branch office of the designation without delay.

(2) A person who wants to obtain a foreigner entry permit as provided in Article 7 (4) of the Act shall submit an application for a visa together with the documents prescribed by the Ordinance of the Ministry of Justice to the head of the diplomatic mission abroad, the head of the office, or the head of branch office.

(3) When issuing the foreigner entry permit as provided in Article 7 (4) of the Act, the head of the diplomatic mission abroad, the head of office, or the head of branch office shall enter the status and period of sojourn, and the place of employment on the permit in compliance with the Ordinance of the Ministry of Justice.

(4) The foreigner entry permit shall be valid for three months and for

one time of entry only: *Provided*, That the foreigner entry permit for a person of status 1 of diplomacy (A-1) through status 3 of convention (A-3) in the attached Table 1 of this Decree shall be valid for three years and for two times of entry or more, if the person wants to enter and be stationed in the Republic of Korea. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

(5) The immigration control official shall collect the foreigner entry permit from the foreigner who has obtained the permit as provided in paragraph (3) and entered the Republic of Korea, when the person departs: *Provided*, That the permit of a foreigner who has entered as provided in paragraph (4) shall be collected on his final departure. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

Article 11 (Delegation of Authority over Visa Issuance)

(1) The Minister of Justice shall delegate the authority over visa issuance for persons of status 1, diplomacy (A-1) through status 3, convention (A-3) in the attached Table 1 of this Decree under Article 8 (2) of the Act to the head of the diplomatic mission abroad.

(2) The Minister of Justice shall delegate the authority over visa issuance for persons of status 6 of temporary news material collection (C-1) through status 30 of employment in tourism business (H-1) in the attached Table 1 of this Decree under Article 8 (2) of the Act, to the head of the diplomatic mission abroad, specifying the status and period of sojourn within the range prescribed by the Ordinance of the Ministry of Justice. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995>*

Article 12 (Division of Sojourn Statuses)

The sojourn statuses and the maximum sojourn period of each status as provided in Article 10 (2) of the Act are given in the attached Table 1.

[This Article Wholly Amended by Presidential Decree No. 15417, Jun. 28, 1997]

Article 13 (Keeping List of Those Prohibited from Entry)

(1) The Minister of Justice shall keep up to date the records of those whose entries are prohibited as provided in Article 11 of the Act, without delay, pursuant to the procedures for carrying out data processing in computer. The same shall also apply to the cancellation of departure prohibition.

(2) The head of the diplomatic mission abroad, the head of the office, the head of the branch office, and the head of the internment camp shall keep on file the list of those who are prohibited from entry as provided in paragraph (1).

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Article 14 (Request for and Revocation of Entry Prohibition)

The provisions of Article 2 shall apply to the procedure for requesting and revoking the entry prohibition of foreigners as provided in Article 11 (1) and (2) of the Act: *Provided*, That the provisions of Article 2 shall not apply to the matters concerning the expected period of entry prohibition.

Article 15 (Entry Inspection)

(1) The provisions of Article 1 (1) through (3) shall apply *mutatis mutandis* to entry inspection of foreigners as provided in Article 12 (1) of the Act. In this case, the status and period of sojourn shall be entered in the impression of the seal on the passport, etc. *<Amended by Presidential Decree No. 15764, Apr. 1, 1998>*

(2) If a decision is made not to permit the entry of a foreigner as provided in Article 12 (4) of the Act, the immigration control official shall report the decision without delay to the Minister of Justice.

(3) Deleted. *<by Presidential Decree No. 14817, Dec. 1, 1995>*

(4) If a person provided in Article 7 (2) 2 of the Act enters the Republic of Korea, the immigration control official shall imprint the entry inspection stamp on the passport, etc. as provided in paragraph (1), and enter status 4 of visa exemption (B-1) and the period of sojourn shown in the attached Table 1 of this Decree: *Provided*, That if a person who is subject to the Visa Exemption Convention for diplomats and government officials enters the Republic of Korea as a duty station, the status 1 of diplomacy (A-1) or status 2 of public affairs (A-2) and the period of sojourn shall be entered.

(5) Deleted. *<by Presidential Decree No. 14301, Jun. 30, 1994>*

(6) When the visa status, the status or period of sojourn issued by the head of a diplomatic mission abroad is evidently erred, the immigration control official may correct the error, as prescribed by the Ordinance of the Ministry of Justice, and permit entry of the foreigner.

(7) The provisions of Article 6 (3) and (4) shall apply *mutatis mutandis* to the custody of forged and altered passport, etc. and notification thereof as provided in Article 12 (7) of the Act: *Provided*, That when Article 6 (3) applies, the provisions of notification to the head of the issuing agency shall not apply.

(8) The provisions of Article 1 (4) shall apply to the entry of a foreigner who is a crew member of a ship of the Republic of Korea.

Article 16 (Conditional Entry Permission)

(1) When the head of the office or branch office permits conditional entry as provided in Article 13 (1) of the Act, he may set the period of permission

within 72 hours.

(2) If the foreigner who has obtained conditional entry permission is deemed to have failed to meet the requirements within the permission period for an unavoidable reason or is not able to meet them, the head of the office or branch office may extend the period of conditional entry permission within the range provided in paragraph (1), with an approval of the Minister of Justice.

(3) If the foreigner who has obtained a conditional entry permission is deemed to have met the requirements of the subparagraphs of Article 12 (3) of the Act within the permission period, the immigration control official shall conduct an entry inspection as provided in Article 15 (1). In this case, the date of entry shall be regarded as the date of conditional entry permission.

(4) If the immigration control official conducts an entry inspection as provided in paragraph (3), he shall collect the conditional entry permit from the foreigner.

(5) If the foreigner who has obtained a conditional entry permission departs from the Republic of Korea without undergoing entry inspection as provided in paragraph (3), the immigration control official shall collect the conditional entry permit.

Article 17 (Deposit and Return of Security Money, and Its Reversion to National Treasury)

(1) When the head of the office or branch office requires a foreigner to deposit security money as provided in Article 13 (2) of the Act, he shall set the amount of security money, taking into consideration money on and, the goal of entry, the costs of a foreigner's stay, and other circumstances.

(2) Where the head of the office or branch office collects security money as provided in paragraph (1), he shall notify the foreigner that security money may be reverted to the National Treasury if he violates the conditions specified by the provisions of Article 13 (2) of the Act, and the procedure for the deposit and payment of security money shall comply with the procedure for handling money in the Government's custody.

(3) The security money which has been deposited as provided in paragraph (1) shall be returned to the foreigner, if he undergoes entry inspection as provided in of Article 16 (3), or if he departs from the Republic

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of Korea because he fails to meet the requirements provided in subparagraphs of Article 12 (3) of the Act within the permission period.

(4) If a person who has obtained a conditional entry permission flees or fails to comply with summons more than twice without any justifiable reason, the head of the office or branch office may revert the whole of the security money to the national treasury, and if he violates the conditions of the permission for other reasons, the head of the office or branch office may revert part of the security money to the National Treasury.

(5) If the head of the office or branch office decides to revert the security money to the national treasury as provided in paragraph (4), he shall notify the foreigner in writing of reversion of the security money to the National Treasury, with the reasons for the decision to revert and the amount to be reverted to the National Treasury specified.

SECTION 2 LANDING OF FOREIGNERS

Article 18 (Landing Permission for Crew)

(1) If the head of a ship, etc., a forwarder, or a crew member wants to request landing permission for crew as provided in Article 14 (1) of the Act, he shall submit an application for landing permission to the immigration control official. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995>*

(2) In the case of paragraph (1), if landing permission is requested for a transfer to another ship, etc. or for a landing at other domestic port of entry and departure as referred to in Article 14 (4) of the Act, materials which clearly explain reasons thereof shall be attached. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

Article 18-2 (Multiple Landing Permission of Crew)

(1) Upon permitting landing as provided in Article 14 (1) of the Act to a foreign crew of a ship, etc. which regularly plies or frequently visits the Republic of Korea, the immigration control official may grant multiple landing permission which allows more than two landings within the expiration date.

(2) Upon granting landing permission as provided in paragraph (1), the immigration control official shall issue a multiple landing permit for crew with the validity term of up to one year and the landing term of up to 15 days.

(3) The Minister of Justice shall set specific criteria for multiple landing permission for crews as provided in paragraph (1).

(4) The provisions of Article 18 (1) shall apply *mutatis mutandis* to the case of paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 14301. Jun. 30. 1994]

Article 19 (Emergency Landing Permission)

If the head of a ship, etc. or a forwarder wants to request emergency landing permission for a foreigner on board as provided in Article 15 (1) of the Act, he shall submit to the immigration control official a written request for landing permission together with any evidence to prove the need for emergency landing.

Article 20 (Disaster Landing Permission)

If the head of a ship, etc. or a forwarder wants to request disaster landing permission as provided in Article 16 (1) of the Act, he shall submit a written request for landing permission to the head of the office or branch office together with a disaster report specifying the name of a ship, etc. subject to the disaster, the place, date, and time of the disaster, and the reasons for the request.

Article 20-2 (Temporary Landing Permission for Refugees)

(1) If a foreigner on board of ship, etc. wants to request temporary landing permission for refugee as provided in Article 16-2 (1) of the Act, he shall submit to the head of the office or branch office a written request for temporary landing permission for refugee with any evidence that can prove the reason for the request.

(2) When the request is submitted as provided in paragraph (1), the head of the office or branch office shall send the request to the Minister of Justice with his opinion attached to it.

(3) When the Minister of Justice approves a temporary landing of a refugee as provided in paragraph (1), the head of the office or branch office shall issue a temporary landing permit for the refugee, and designate a place of stay in the facilities prescribed by the Minister of Justice.

[This Article Newly Inserted by Presidential Decree No. 14301. Jun. 30. 1994]

Article 21 (Extension of Term of Landing Permission)

(1) If a person who has obtained landing permission as provided in Article 14 (1), 15 (1), 16 (1) or 16-2 (1) of the Act cannot depart from the Republic of Korea within the term of landing permission, the person who

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has requested the landing permission shall submit a request for an extension of the term of landing permission, specifying the reason for the extension, to the head of the office or branch office. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

(2) In the case of an extension request as provided in paragraph (1), each extension of the term of landing permission shall not exceed the term provided in Article 14 (1), 15 (1), 16 (1) or 16-2 (1) of the Act. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

CHAPTER III SOJOURN AND DEPARTURE OF FOREIGNERS

SECTION 1. Sojourn of Foreigners

Article 22 (Suspension Order)

If the Minister of Justice wants to order the suspension of an activity as provided in Article 17 (3) of the Act, he shall deliver, directly or through the head of the office or branch office, to the foreigner concerned a suspension order stating that the activity should be immediately suspended and that otherwise, deportation shall be enforced.

Article 23 (Foreigner's Employment and Status of Sojourn)

(1) The term "status of sojourn eligible for employment" in Article 18 (1) of the Act means status 9 of short-term employment (C-4), 19 of professor (E-1) through 25 of specific activities (E-7) and 25-2 of employment for training (E-8) in the attached Table 1 of this Decree. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995; Presidential Decree No. 15764, Apr. 1, 1998>*

(2) Notwithstanding the provisions of paragraph (1), a person of status 27 of residence (F-2) in the attached Table 1 of this Decree shall not be restricted in his activities in accordance with the division of sojourn statuses.

(3) The provisions of paragraph (1) shall apply to employment of a person of status 30 of employment in tourism (H-1) in the attached Table 1 of this Decree. *<Newly Inserted by Presidential Decree No. 14817, Dec. 1, 1995>*

Article 24 (Report by Employer, etc. of Foreigners)

(1) If a person, etc. who employs a foreigner or the head of an enterprise which conducts an industrial training for a foreigner wishes to report as provided in Article 19 of the Act, he shall submit a report on the changes of employment for the foreigner or a foreign industrial trainee to the head of the office or branch office. *(Amended by Presidential Decree No. 15417, Jun. 28, 1997)*

(2) The term "where important contents of the employment contract are changed" in Article 19 (1) 3 of the Act means the case where the duration of an employment contract or the place of employment is changed or added without changing an employer. *(Amended by Presidential Decree No. 15417, Jun. 28, 1997)*

Article 24-2 (Industries, etc. for Industrial Training)

(1) Industries in which foreigners are eligible for industrial training activities pursuant to Article 19-2 of the Act shall be:

1. Industries which made direct investments in a foreign country pursuant to Article 3(1)15 of the Foreign Exchange Transaction Act;
2. Industries which export technology to a foreign country pursuant to Article 10-2 of the Technology Development Promotion Act;
3. Industries which export industrial plants to a foreign country pursuant to Article 22(1) of the Foreign Trade Act; and
4. Industries other than those listed in subparagraphs 1 through 3, which are recommended by the head of an industry-related agency or organization (hereinafter referred to as "training-recommending organization") designated and publicly announced by the head of the competent central administrative agency.

(2) Where the scale of introducing industrial trainees has been determined pursuant to Article 24-3(2) 1, the head of a training-recommending organization shall determine the scale of industrial trainees to be assigned by industries concerned and notify the head of the competent central administrative agency according to the standards as determined by the Minister of Justice.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

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Article 24-3 (Industrial Foreign Manpower Policy Deliberation Committee)

- (1) An Industrial Foreign Manpower Policy Deliberation Committee (hereinafter in this Article and Article 24-4 referred to as the "Committee") shall be established under the control of the Prime Minister to deliberate and coordinate import matters on the industrial training for foreigners and employment system for training.
- (2) The Committee shall deliberate and coordinate the following matters:
 1. Important matters on the decision of the scale of introducing and the recruitment and management of industrial trainees who intend to receive training at industries referred to in Article 24-2 (1) 4;
 2. Important matters on the management and employment requirements for training, etc. of those who are industrial trainees and are permitted to find employment by meeting the employment requirements for training referred to in Article 24-5 (1) (hereinafter referred to as "trainees in employment"); and
 3. Other matters referred by the Chairman of the Committee (hereinafter in this Article referred to as the "Chairman") or a member to the Committee as deems necessary for the industrial training or employment for training of foreigners.
- (3) The Director of the Office for Government Coordination shall serve as the Chairman of the Committee and the Vice Ministers of Finance and Economy, Foreign Affairs and Trade, Justice, Science and Technology, Commerce, Industry and Energy, Health and Welfare, Labor, Construction and Transportation and Maritime Affairs and Fisheries, and the Administrator of Small and Medium Business Administration shall serve as members.
- (4) The Committee shall have a secretary to manage the business of the Committee, and the secretary shall be nominated by the Chairman among public officials of bureau director level of agencies under the Chairman.
- (5) A working committee may be established to review in advance the matters for deliberation by the Committee and to manage the matters

delegated by the Committee.

(6) Other matters necessary for the operation of the Committee and the composition and operation of a working committee shall be determined by the Chairman after deliberation by the Committee.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 24-4 (Recruitment and Management of Industrial Trainees)

(1) Industries referred to in Article 24-2 (1) 4 shall recruit industrial trainees through an agency or organization as designated by the head of the competent central administrative agency (hereinafter referred to as "recruitment agency") through the deliberation and coordination by the Committee.

(2) The head of a recruitment agency referred to in paragraph (1) shall not recruit foreigners falling under any of the following subparagraphs as industrial trainees:

1. A person who has been sentenced to imprisonment without prison labor or a severe punishment in the Republic of Korea or has been sentenced to any equivalent punishment in a foreign country;
2. A person who has departed from the Republic of Korea under orders for departure or compulsory expulsion;
3. A person who has stayed illegally for not less than 6 months in the Republic of Korea;
4. A person who is deemed to threaten to enter the country for illegal employment; and
5. A person who falls under any of subparagraphs of Article 11 (1) of the Act.

(3) The head of the office or the head of the branch office who has jurisdiction over the port of entry and departure shall notify the head of the office or the head of the branch office who has jurisdiction over the domicile of a industrial trainee where the industrial trainee enters or departs from the country.

(4) The head of the competent labor government agency may request the head of the office or the head of the branch office to provide departure

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and entry records as necessary.

(5) The head of the office or the head of the branch office who has jurisdiction over the domicile of industrial trainees shall survey the movements in industrial trainees such as the actual conditions of training for industrial trainees and whether those who completed the training departed from the country, and report them to the Minister of Justice at least once per quarter.

(6) The Minister of Justice shall not grant permission on extension of sojourn period to industrial trainees who have not obtained permission for change of status of sojourn to the status of employment for training for not meeting the employment requirements for training listed in any of subparagraphs of Article 24-5(1): *Provided*, That this shall not apply where there exist justifiable causes.

(7) Other matters necessary for the recruitment and management of industrial trainees shall be otherwise determined by the head of the competent central administrative agency.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 24-5 (Employment Requirements for Training, etc.)

(1) Any person who intends to obtain permission for change of status of sojourn referred to in Article 19-3 (3) of the Act shall meet the following requirements:

1. He shall have passed a technical qualifying examination or its equivalent one under the National Technical Qualifications Act;
2. He shall have received training for two years as industrial trainee at an industry referred to in Article 24-2 (1) 4; and
3. He shall have met other employment requirements for training as determined by the head of the competent central administrative agency.

(2) Any person who has obtained permission for change of status of sojourn to the status of employment for training pursuant to paragraph (1) shall work for an industry where he worked as an industrial trainee: *Provided*, that where the head of the industry consents or there are justifiable causes, this shall not apply.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 24-6 (Management of Trainees in Employment)

(1) The Minister of Justice shall not grant permission on extension of sojourn period to trainees in employment who obtained permission for change of status of sojourn referred to in Article 19-3 (3) of the Act except for those falling under any of the following subparagraphs:

1. A person who is deemed to be unable to depart from the country within the permitted sojourn period due to a disease or other accident;
2. A person who is deemed to require the extension of the permitted sojourn period for being pending in court or under the necessity of investigation;
3. A person who cannot depart from the country within the permitted sojourn period for ships unnavigability due to natural disasters, etc. and
4. Other persons who are deemed to have any equivalent cause.

(2) The provisions of Article 24-4 (3) through (5) shall apply *mutatis mutandis* to the management of trainees in employment.

(3) Other matters necessary for the management of trainees in employment shall be otherwise determined by the head of the competent central administrative agency.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 24-7 (Management of Training-Recommendng Organizations, etc.)

(1) Where any person, etc. who manages and operates a training-recommending organization, recruitment agency referred to in Article 24-4 (1) and qualification system referred to in Article 24-5 (1) 1 performs an act falling under any of the following subparagraphs, the Minister of Justice may request the head of the competent central administrative agency to cancel the designation:

1. Where he carries on profit-making activities in relation to industrial training and employment for training; and
2. Where he commits an act contrary to the provisions of the Act and this Decree.

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(2) Where the head of the competent central administrative agency receives a request for the cancellation of the designation, he shall cancel unless there exists a justifiable cause.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 24-8 Deleted. *<by Presidential Decree No. 16120, Feb. 26, 1999>*

Article 25 (Permission for Activities Other than Status of Sojourn)

(1) A person who wants to obtain permission for activities corresponding to a different status of sojourn in addition to those corresponding to his own status of sojourn shall request permission in writing for activities other than status of sojourn with the documents prescribed by the Ordinance of the Ministry of Justice.

(2) Upon receiving the request provided in paragraph (1), the head of the office or branch office shall immediately send the request with his opinion to the Minister of Justice.

(3) The head of the office or branch office shall imprint a permission stamp for activities other than status of sojourn on the passport, etc., when the Minister of Justice approves the request provided in paragraph (1): *Provided*, That the head may issue a permit for activities other than status of sojourn instead of the permission stamp, if there is no passport, etc. or if needed. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995>*

Article 26 (Permission for Change or Addition of Workplace)

(1) A person who wants to obtain permission for the change or addition of a workplace as provided in Article 21 (1) of the Act shall submit to the head of the office or branch office a request for permission for the change or addition of a workplace with the documents prescribed by the Ordinance of the Ministry of Justice. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

(2) Upon receiving the request provided in paragraph (1), the head of office or branch office shall immediately send the request with his opinion to the Minister of Justice.

(3) When the Minister of Justice approves the request provided in para-

graph (1), the head of the office or branch office shall imprint the permission stamp for the change or addition of a workplace and enter the changed or added workplace on the passport, etc. *(Amended by Presidential Decree No. 14817, Dec. 1. 1995)*

Article 27 (Restrictions on Scope of Activity)

If the Minister of Justice restricts the foreigner's residence or activities or prescribes requirements for the foreigner as provided in Article 22 of the Act, he shall issue a notice of restriction on activities to the foreigner concerned, directly or through the head of the office or branch office.

Article 28 (Exception to Ways of Notifying)

(1) In delivering the suspension order of activities or the notice of restriction on activities provided in Article 22 or 27, the delivery to a person who lives with the foreigner or the head of an organization of which the foreigner is a member shall be deemed as delivered to the foreigner himself when the foreigner cannot be contacted or the delivery cannot be made to the foreigner for other reasons.

(2) If any urgency is required in the case of Article 22 or 27, the notice may be orally delivered. If such is the case, the suspension order of activities or the notice of restrictions on activities shall be issued in writing without delay after the oral notice.

Article 29 (Granting Status of Sojourn)

(1) A person who wants to obtain status of sojourn as provided in Article 23 of the Act shall submit an application for status of sojourn with the documents prescribed by the Ordinance of the Ministry of Justice to the Minister of Justice through the head of the office or branch office.

(2) When granting status of sojourn as provided in paragraph (1), the Minister of Justice shall prescribe the period of sojourn and notify the head of the office or branch office thereof.

(3) When the head of the office or branch office is notified as provided in paragraph (2), he shall imprint the stamp for granting status of sojourn

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and enter status and period of sojourn on the passport, etc.

Article 30 (Permission for Change of Status of Sojourn)

(1) A person who wants to obtain permission for a change of status of sojourn as provided in Article 24 (1) of the Act shall submit an application for change of status of sojourn with the documents prescribed by the Ordinance of the Ministry of Justice to the head of the office or branch office.

(2) When the application is submitted as provided in paragraph (1), the head of the office or branch office shall send the application with his own opinion to the Minister of Justice without delay.

(3) If the Minister of Justice approves the application as provided in paragraph (1), the head of the office or branch office shall imprint a stamp for permitting a change of status of sojourn and enter status and period of sojourn, and workplace on the passport, etc.

Article 31 (Permission for Extension of Period of Sojourn)

(1) A person who wants to obtain permission for the extension of sojourn period as provided in Article 25 of the Act shall submit a request for an extension of sojourn period with the documents prescribed by the Ordinance of the Ministry of Justice to the head of the office or branch office before the period of sojourn expires.

(2) When the request provided in paragraph (1) is submitted, the head of the office or branch office shall send the request with his own opinion to the Minister of Justice without delay.

(3) When the Minister of Justice approves the request provided in paragraph (1), the head of the office or branch office shall imprint a stamp for permitting the extension of sojourn period and enter the period of sojourn on the passport, etc.: *Provided*. That when the extension of sojourn period is permitted to a person who has completed his foreigner registration, the entry of the permitted duration of sojourn on the certificate of foreigner registration is substituted for the stamp.

Article 32 Deleted. *<by Presidential Decree No. 15417, Jun. 28, 1997>*

Article 33 (Departure Notice When Permission for Extension of Sojourn Period is not Granted)

(1) If the Minister of Justice does not grant permissions as provided in Articles 29 to 31, he shall issue a notice of such decision not to permit the extension of sojourn period and deliver the notice to the applicant. In this case, when the change of status of sojourn as provided in Article 30 is not granted, the foreigner shall be allowed to sojourn within the sojourn period already permitted. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

(2) In the notice of such decisions as not to permit the extension of sojourn period provided in paragraph (1), the time limit for departure shall be specified within the range that does not exceed 14 days from the issuing date: *Provided*, That if it is deemed necessary, the expiration date of sojourn period already permitted may be substituted for the time limit for departure.

Article 34 (Advance Notice of Departure When Granting Status of Sojourn)

Where the period of sojourn is granted or the change of status of sojourn is permitted as provided in Articles 23 to 25 of the Act, the head of the office or branch office shall enter a statement on the passport, etc. to the effect that the passport, etc. holder must depart within the permitted period of sojourn if the head decides not to permit the extension of sojourn period thereafter. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995; Presidential Decree No. 15417, Jun. 28, 1997>*

SECTION 2 Departure of Foreigners

Article 35 (Departure Inspection)

(1) The provisions of Article 1 (1) to (3) shall apply *mutatis mutandis* to the departure inspection of foreigners as provided in Article 28 (1) of the Act: *Provided*, That the departure inspection stamp may be omitted. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

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(2) When a foreigner who is a crew member of a ship, etc. of the Republic of Korea departs from the Republic of Korea, the provisions of Article 1 (4) and (5) shall apply to the procedure for departure.

(3) The provisions of Article 15 (7) shall apply to the custody of forged or altered passport, etc. and the notice of the custody as provided in Article 28 (3) of the Act.

Article 36 (Suspension of Foreigner's Departure)

The provisions of Articles 2, 3, and 5 shall apply *mutatis mutandis* to the suspension of a foreigner's departure as provided in Article 29 of the Act.

Article 37 (Departure of Foreigner Whose Departure Suspension is Revoked)

If a foreigner wanted to depart from the Republic of Korea within the permitted period of sojourn but failed to depart on account of the suspension of departure, he may depart within 10 days from the date when the suspension is revoked, without following other procedures such as extension of sojourn period.

Article 38 (Reentry Permission)

(1) A person who wants to obtain reentry permission as provided in Article 30 (1) of the Act shall submit an application for reentry with *prima facie* evidence to the head of the office or branch office.

(2) When the application is submitted as provided in paragraph (1), the head of the office or branch office shall send the application with his own opinion to the Minister of Justice without delay.

(3) The period of reentry permission shall be set within the range that does not exceed the permitted period of sojourn.

(4) When the Minister of Justice approves the application provided in paragraph (1), the head of the office or branch office shall imprint the stamp of reentry permission and enter the period of permission on the passport, etc.: *Provided*, That a reentry permit may be issued to a stateless person or nationals of those nations provided in Article 7 (4) of the Act. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994>*

Article 39 (Permission for Extension of Duration of Reentry Permission)

(1) A person who wants to obtain permission for extending the duration of reentry permission as provided in Article 30 (3) of the Act shall submit to the diplomatic mission abroad a request to extend the duration of reentry permission with *prima facie* documents.

(2) The extended duration of reentry permission may be assigned up to three months from the expiration date of reentry permission, within the range that does not exceed the duration of sojourn.

(3) When the head of the diplomatic mission abroad grants permission to extend the duration of reentry permission to the foreigner who has requested the extension permission, he shall imprint the stamp for extension permission and enter the duration of extension permission on the passport, etc.

(4) When the head of the diplomatic mission abroad has granted permission to extend the duration of reentry permission as provided in paragraph (3), he shall report the grant without delay to the Minister of Justice.

(5) Where a person who has obtained reentry permission is not on board a ship, etc. or cannot reenter within the permitted duration for an unavoidable reason, the Minister of Justice shall delegate his authority over permitting the extension of the duration of reentry permission to the head of a diplomatic mission abroad as provided in Article 30 (4) of the Act, only if the permitted term of extension does not exceed 15 days. *(Amended by Presidential Decree No. 14817, Dec. 1, 1995)*

CHAPTER IV CERTIFICATE OF FOREIGNER REGISTRATION

SECTION 1 Foreigner Registration

Article 40 (Foreigner Registration)

(1) A person who wants to register as a foreigner as provided in Article

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31 of the Act shall submit an application for foreigner registration together with his passport, etc. and three copies of his photograph to the head of the office or branch office that has jurisdiction over the foreigner's place of sojourn (hereinafter referred to as the "head of the office or branch office having jurisdiction over the place of sojourn").

(2) When a foreigner registration is applied for as provided in paragraph (1), the head of the office or branch office having jurisdiction over the place of sojourn shall issue an individual foreigner registration number to the foreigner, enter it on the registered foreigners register, and imprint a foreigner registration stamp on the passport, etc.

Article 41 (Issuance of Certificates of Foreigner Registration)

(1) The head of the office or branch office having jurisdiction over the sojourn place of a person who has registered as a foreigner (hereinafter referred to as the "registered foreigner") as provided in Article 31 of the Act, when issuing a certificate of foreigner registration as provided in Article 33 of the Act, shall enter the issue on the issuance log of certificates of foreigner registration.

(2) The head of the office or branch office having jurisdiction over the place of sojourn may not issue certificates of foreigner registration under the proviso of Article 33 (1) of the Act, only when his parents or a person provided in Article 89 (1) requests that registered foreigners under 17 years of age be entered in his certificate of foreigner registration as children. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995>*

(3) When a registered foreigner applies for a certificate of foreigner registration as provided in Article 33 (2) of the Act, he shall submit an application for the certificate together with a passport, etc., a certificate of foreigner registration specifying matters concerning him, and two copies of his photograph to the head of the office or branch office having jurisdiction over the place of sojourn. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

Article 42 (Reissue of Certificates of Foreigner Registration)

(1) The head of the office or branch office having jurisdiction over the

place of sojourn may reissue a certificate of foreigner registration, for the following reasons, to a person to whom the certificate has already been issued: *<Amended by Presidential Decree No. 14817, Dec. 1, 1995: Presidential Decree No. 15417, Jun. 28, 1997>*

1. Where the certificate is lost or missing;
2. Where the certificate is worn-out;
3. Where there is not enough space in the certificate to enter necessary matters; or
4. Where a report is received on changes in foreigner registration in respect of matters as referred to in subparagraph 1 of Article 35 of the Act.

(2) A person who wants to have his certificate of foreigner registration reissued as provided in paragraph (1) shall submit an application for reissuance of the certificate together with *prima facie* documents and one copy of his photograph to the head of the office or branch office having jurisdiction over his place of sojourn within 14 days of the occurrence of the reasons for reissuance. In the case that the person applies for the reissuance on account of the reasons provided in paragraph (1) 2 to 4, the application shall be accompanied by the original certificate of foreigner registration. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995: Presidential Decree No. 15417, Jun. 28, 1997>*

(3) When the head of the office or branch office having jurisdiction over the place of sojourn reissues a certificate of foreigner registration, he shall enter necessary matters in the issuance log of certificates of foreigner registration and keep the submitted certificate provided in paragraph (2) with the relevant records.

Article 43 (Preparation and Management of Registered Foreigner Card)

(1) The head of the office or branch office having jurisdiction over the place of sojourn shall prepare and keep an individual registered foreigner card provided in Article 34 (1) of the Act. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

(2) If the head of the office or branch office having jurisdiction over the

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place of sojourn grants permissions or issues notices to a registered foreigner, or receives reports from the foreigner, he shall enter the contents thereof in the registered foreigner record.

(3) The head of *Shi* (Special Metropolitan City and Metropolitan Cities shall be excluded. The same shall apply hereinafter.), *Kun* or *Ku* (This refers to an autonomous *Ku*. The same shall apply hereinafter.) shall keep the foreigners register on file as provided in Article 34 (2) of the Act, record relevant information on the register when the foreigner registers himself for the first time or the registered foreigner card is received as the foreigner moves to an area under his jurisdiction, and cross out the relevant information with a red line and enter reasons and the date thereof when the foreigner transfers a place of sojourn to an area under the jurisdiction of another regional immigration office or the cancellation of foreigner registration is notified by the head of the office or branch office having jurisdiction over the place of sojourn. *<Amended by Presidential Decree No. 14817, Dec. 1, 1995; Presidential Decree No. 15417, Jun. 28, 1997>*

(4) The head of the *Shi/Kun/Ku* shall keep the registered foreigners card for one year from the cancellation date of a foreigner registration.

Article 44 (Report on Changes in Foreigner Registration)

(1) A person who wants to report any changes provided in Article 35 of the Act shall submit a report on changes in a foreigner registration together with a certificate of foreigner registration and passport, etc. to the head of the office or branch office having jurisdiction over his place of sojourn. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

(2) The head of the office or branch office having jurisdiction over the place of sojourn shall, upon receiving the report on changes as provided in paragraph (1), update the registered foreigner card up to date, and reissue a certificate of foreigner registration in respect of the report on changes in foreigner registration as referred to in Article 35 (1) and send a copy of the report on changes in foreigner registration to the head of the *Shi/Kun/Ku* where the foreigner sojourns. *<Amended by Presidential*

Decree No. 14817. Dec. 1. 1995; Presidential Decree No. 15417. Jun. 28. 1997

(3) The head of the *Shi/Kun/Ku* shall, upon receiving a report on changes in foreigner registration as provided in paragraph (2), update the foreigner registration card.

Article 45 (Report on Change in Place of Sojourn)

(1) If a person who has changed his place of sojourn wants to make a move-out report as provided in Article 36 (1) of the Act, he shall submit the report on change in sojourn place to the head of the *Shi/Kun/Ku* where he has a new place of sojourn. *<Amended by Presidential Decree No. 14486, Dec. 31. 1994; Presidential Decree No. 15417. Jun. 28. 1997>*

(2) When the move-in report provided in paragraph (1) is submitted, the head of the *Shi/Kun/Ku* shall enter the change in the certificate of foreigner registration with a seal imprinted on it to certify the reporting, deliver it to the person who has submitted the report, update the foreigner registration card, and give notice of the change in place of sojourn to the head of the office or branch office having jurisdiction over the previous place of sojourn as provided in Article 36 (6) of the Act. *<Amended by Presidential Decree No. 15417, Jun. 28. 1997>*

(3) The head of the office or branch office who has received the notice of change as provided in paragraph (2) having jurisdiction over the previous place of sojourn shall send the foreigner registration card to the head of the office or branch office having jurisdiction over the new place of sojourn and the latter shall without delay update such card. *<Newly Inserted by Presidential Decree No. 15417, Jun. 28. 1997>*

Article 46 (Return of Certificate of Foreigner Registration)

(1) When the certificate of foreigner registration is returned as provided in Article 37 (1) and (5) of the Act, the immigration control official shall give notice of the foreigner's departure to the head of the office or branch office having jurisdiction over the place of sojourn. *<Amended by Presidential Decree No. 14817. Dec. 1. 1995>*

(2) When a registered foreigner returns his certificate of foreigner registration as provided in Article 37 (2) of the Act, the time and procedure

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for the return shall be subject to the following.

1. If a registered foreigner becomes a national of the Republic of Korea, the foreigner himself, his spouse, parents, or the person provided in Article 89 (1) shall submit his certificate of foreigner registration with documents certifying his acquisition of the nationality of the Republic of Korea to the head of the office or branch office having jurisdiction over the place of sojourn within 14 days after he becomes a national.
 2. If a registered foreigner dies, his spouse, parents, the person provided in Article 89 (1), or the owner or administrator of the building or land in which the death has taken place shall submit his certificate of foreigner registration with a medical certificate, death certificate, or other documents certifying the death to the head of the office or branch office having jurisdiction over the place of sojourn within 14 days after the death is learned or within 30 days after the death.
 3. A registered foreigner coming under any of subparagraphs of Article 31 (1) of the Act, upon obtaining permission for a change of status of sojourn, shall submit a certificate of foreigner registration with documents certifying the status to the head of the office or branch office having jurisdiction over the place of sojourn.
- (3) When the departure of a foreigner is notified or the certificate of foreigner registration is returned as provided in paragraphs (1) and (2), the head of the office or branch office having jurisdiction over the place of sojourn shall give notice of the cancellation of the foreigner registration to the head of the *Shi/Kun/Ku* where the foreigner sojourns. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*
- (4) The head of the *Shi/Kun/Ku*, upon receiving notice as provided in paragraph (3), shall update the foreigner registration card without delay.
- (5) When taking a certificate of foreigner registration in temporary custody as provided in Article 37 (4) of the Act, the head of the office or branch office shall issue a certificate of custody after entering the custody in the register of articles in custody, and shall immediately return the certificate

when requested as provided in paragraph (5) of the same Article.

Article 47 (Fingerprinting)

(1) The head of the office or branch office having jurisdiction over the place of sojourn or the head of the internment camp shall require the foreigner who is to be fingerprinted as provided in Article 38 (1) of the Act to submit a copy of his photograph before fingerprinting, attach the photograph on the original foreigner's fingerprint sheet, and enter necessary information including personal details on the sheet.

(2) When to fingerprint as provided in Article 38 (1) of the Act shall be subject to the following subparagraphs: *<Amended by Presidential Decree No. 16120. Feb. 26, 1999>*

1. A person falling into Article 38 (1) 1 of the Act shall be fingerprinted when registering as a foreigner: *Provided*, That a person who is to sojourn more than a year due to a change of sojourn status or the extension of sojourn period shall be fingerprinted when obtaining permission for a change of sojourn status or extension of sojourn period, or a person who is to sojourn more than a year due to the grant of sojourn status shall fingerprint when granted sojourn status;
2. In the case where a foreigner who turns 20 years of age after having registered as a foreigner has already obtained a certificate of foreigner registration, the foreigner shall fingerprint within 60 days after he turns 20 years of age, or in the case of a foreigner who has not been issued a certificate of foreigner registration yet, the foreigner shall fingerprint when he applies for a certificate as provided in Article 33 (2) of the Act;
3. A person falling into Article 38 (1) 2 of the Act shall fingerprint when interned as provided in Article 51 (1) and (4) of the Act, when served with a deportation order as provided in Articles 59 (2) and 68 (4) of the Act, when fined exceeding 1 million won as provided in Article 102 (1) of the Act, or when charged as provided in Article 102 (3) or 105 (2) of the Act; and
4. A person falling into Article 38 (1) 3 of the Act shall fingerprint when

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subjected to an investigation in violations of the Act or this Decree.

(3) The head of the office or branch office having jurisdiction over the place of sojourn or the head of the internment camp shall have the original foreigner's fingerprint sheet provided in paragraph (1) sent to and kept by an agency prescribed by the Ordinance of the Ministry of Justice.

(4) The head of the office or branch office having jurisdiction over the place of sojourn or the head of the internment camp may request the agency, which keeps the original foreigner's fingerprint sheets as provided in paragraph (3), for necessary information about fingerprints. In such a case, the agency which is requested to send information shall not refuse the request without any justifiable reasons.

SECTION 2 Deleted.

Articles 48 through 56 Deleted. *(by Presidential Decree No. 16120. Feb. 26, 1999)*

CHAPTER V DEPORTATION

SECTION 1 Investigation

Article 57 (Report of Acknowledgement)

When opening an investigation as provided in Article 47 of the Act, the immigration control official shall draw up a report on acknowledgment of suspected facts and submit it to the head of the office or branch office or the head of the internment camp.

Article 58 (Demand for Attendance)

(1) When demanding attendance of a suspect or witness as provided in Article 48 (1) or 49 (1) of the Act, the immigration control official shall issue a demand for attendance, specifying the purpose, date and time, and place of attendance, and enter the issuance in the issuance register of attendance demands.

(2) Where urgency is required in demanding attendance as provided in

paragraph (1), the immigration control official may orally do so.

Article 59 (Investigation Record)

(1) The followings shall be entered in an investigation record of a suspect provided in Article 48 (3) of the Act:

1. Nationality, name, sex, birth date, address and occupation;
2. Matters concerning entry or departure and sojourn;
3. Suspected facts; and
4. Other necessary matters such as criminal records, etc.

(2) When an investigation record is drawn up through interpretation or translation as provided in Article 48 (6) or (7) of the Act, the interpreter or translator shall be required to sign and seal the record.

Article 60 (Statement of Witness)

(1) The provisions of Article 59 (2) shall apply *mutatis mutandis* to statements of witnesses provided in Article 49 of the Act.

(2) If the contents of a statement is complicated or a witness wishes, the statement may be made in writing.

Article 61 (Inspection and Demand for Presentation of Documents)

In case of investigating a suspect as provided in Article 47 of the Act, when the suspect denies the charges or documents which the suspects have submitted are deemed not enough to establish the suspected facts, the immigration control official may inspect the suspect's residence or possessions only if a third person related to the suspect agrees, or require documents or possessions to be presented.

Article 62 (Record of Things Presented)

(1) When documents or possessions are presented as provided in Article 50 of the Act and Article 61 of this Decree, the immigration control official shall prepare a record of items presented, specifying details about the presentation, and a list of items presented, specifying features and quantities of items presented.

(2) Entries of information about items presented in an investigation record provided in Article 59 (1) and a statement of witness provided in Article 60 may substitute the record of items presented and the list of items

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presented provided in paragraph (1).

SECTION 2 Internment

Article 63 (Internment Order)

(1) When applying for the issuing of an internment order as provided in Article 51 (2) of the Act, the immigration control official shall submit an application for the issuing of an internment order, specifying reasons for internment, with findings on investigation to the head of the office or branch office or the head of the internment camp.

(2) When the head of the office or branch office or the head of the internment camp has decided to issue an internment order with regard to the application provided in paragraph (1), the immigration control official shall pick up an internment order, specifying reasons, place, and period of the internment, issued by the head of the office or branch office or the head of the internment camp and show it to the suspect.

Article 64 (Request for Internment)

(1) When wanting to intern a suspect or a person subject to a deportation order as provided in Articles 51 (1) and 63 (1) of the Act in a foreigner internment camp, foreigner internment room or facilities prescribed by the Minister of Justice (hereinafter referred to as a "foreigner internment camp"), the immigration control official shall pick up a written request for internment, which specifies reasons and grounds for the internment order, issued by the head of the office or branch office or the head of the internment camp under his control and send it to the head of a foreigner internment camp. *(Amended by Presidential Decree No. 16120, Feb. 26, 1999)*

(2) When wanting to urgently intern a suspect as provided in Article 51 (3) of the Act, the immigration control official shall issue a written emergency internment order which specifies reasons, place, and time of emergency internment, and show it to the suspect.

Article 65 (Extension of Internment Period)

(1) When wanting to extend the period of internment under the proviso of Article 52 (1) of the Act, the immigration control official shall pick up a permit to extend the period of internment, which specifies the period of extension, reasons for extension, and Articles of applicable Acts, which is to be issued by the head of the office or branch office or the head of the internment camp.

(2) In the case that the immigration control official is issued with a permit to extend the period of internment as provided in paragraph (1), if the suspect is being interned in a foreigner internment camp, the immigration control official shall pick up a written notice of extending the internment period, which specifies the period of extension and reasons for extension, issued by the head of the office or branch office or the head of the internment camp, and send it to the head of the foreigner internment camp.

(3) If the head of the office or branch office or the head of the internment camp does not permit the extension of internment period as provided in paragraph (1), the immigration control official shall immediately cancel internment without delay. In this case, if the suspect is being interned in a foreigner internment camp, the immigration control official shall pick up a written request for canceling internment, which specifies reasons for canceling internment which is to be issued by the head of the office or branch office or the head of the internment camp, and send it to the head of the foreigner internment camp.

Article 66 (Cancellation of Internment During Internment Period)

If internment is deemed not necessary even before the period of internment expires, the immigration control official may cancel the internment after obtaining permission from the head of the office or branch office or the head of the internment camp. In this case, where the suspect is being interned in the foreigner internment camp, the latter part of Article 65 (3) shall apply.

Article 67 (Duty of Head of Foreigner Internment Camp)

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When requested to intern a foreigner or cancel the internment by the head of the office or branch office or the head of the internment camp, the head of the foreigner internment camp shall immediately intern the foreigner or cancel the internment.

Article 68 (Notification of Internment)

The notification of internment as provided in Article 54 of the Act shall be made by a written notice of internment which specifies the reason for internment, date, time, and place of internment, and a statement to the effect that an objection can be raised.

Article 69 (Objection to Internment)

(1) A person who wants to raise an objection as provided in Article 55 (1) of the Act shall submit a written application for raising an objection with *prima facie* materials to the head of the office or branch office or the head of the internment camp.

(2) When the written application for raising an objection is submitted as provided in paragraph (1), the head of the office or branch office or the head of the internment camp shall send it with his opinion to the Minister of Justice without delay.

Article 70 (Decisions on Objection to Internment)

(1) The Minister of Justice, upon making a decision on an objection as provided in Article 55 (2) of the Act, shall prepare a written notice of decision on an objection, specifying the judgement, reason and Articles of applicable Acts, and send it to the applicant through the head of the office or branch office or the head of the internment camp.

(2) The head of the office or branch office or the head of the internment camp, upon receiving an order to cancel the internment in case of paragraph (1), shall immediately cancel the internment. In this case, if the suspect is interned in the foreigner internment camp, a written request for canceling the internment shall be sent to the head of the foreigner internment camp.

Article 71 (Temporary Internment of Foreigner)

(1) When wanting to intern a foreigner temporarily as provided in Article

56 (1) of the Act, the immigration control official shall pick up a written order of temporary internment, issued by the head of the office or branch office, and show it to the foreigner.

(2) The written order of temporary internment provided in paragraph (1) shall contain the reason for temporary internment and the place and duration of temporary internment.

(3) When the immigration control official wishes to prolong a period of the temporary internment as provided in Article 56 (2) of the Act, he shall have the written approval issued by the head of the office or branch office which states the prolonged period, reasons for the prolongation and applicable Articles of the Acts, etc. and show it to the foreigner.

SECTION 3 EXAMINATION AND OBJECTION

Article 72 (Written Notice of Decision on Examination)

The head of the office or branch office or the head of the internment camp, upon making a decision on examination as provided in Article 58 of the Act, shall draw up a written notice of a decision on examination, specifying the judgement, reason, and Articles of applicable Acts.

Article 73 (Procedure after Examination)

In case of the cancellation of internment provided in Article 59 (1) of the Act, when the suspect is interned in the foreigner internment camp, the head of the office or branch office or the head of the internment camp shall send a written request for canceling the internment, specifying the reason of the internment cancellation to the head of the foreigner internment camp.

Article 74 (Deportation Order)

The head of the office or branch office or the head of the internment camp, upon making a decision on a deportation order as provided in Article 59 (2) of the Act, shall issue a written notice of a deportation order, specifying the purport and reason of the order and a statement to the effect that an objection can be raised, and deliver its duplicate to the suspect.

Article 75 (Objection and Decision)

(1) The head of the office or branch office or the head of the internment camp, upon receiving an application for an objection as provided in Article 60 (1) of the Act, shall send it with his opinion to the Minister of Justice without delay.

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(2) The Minister of Justice, upon making a decision as provided in Article 60 (3) of the Act, shall prepare a written notice of a decision on the objection, specifying the judgement, reason and Articles of applicable Acts, and deliver it to the suspect through the head of the office or branch office or the head of the internment camp: *Provided*, That if urgency is required, the written notice may be delivered after oral notification.

(3) In case of the cancellation of internment as provided in Article 60 (4) of the Act, if the suspect is interned in the foreigner internment camp, the head of the office or branch office or the head of the internment camp shall send a written request for canceling an internment, specifying the reason for cancellation of the internment, to the head of the foreigner internment camp.

Article 76 (Special Cases of Sojourn Permission)

(1) "Special circumstances deemed to require the suspect to sojourn in the Republic of Korea" in Article 61 (1) of the Act refer to the following cases:

1. Where the suspect has status of sojourn 27 of Residence (F-2) in the attached Table 1. of this Decree;
2. Where the suspect has been awarded a decoration or commendation or has made special contributions to the Republic of Korea; and
3. Where there are special circumstances deemed to require the suspect to sojourn in view of national interest and humanism.

(2) The Minister of Justice, upon permitting a sojourn as provided in Article 61 (1) of the Act, shall issue a permit for special sojourn, specifying the status and period of sojourn and other requirements, and deliver it the suspect through the head of the office or branch office or the head of the internment camp.

(3) The Minister of Justice, upon granting permission as provided in paragraph (2), shall enter the fact thereof in the written notice of decision provided in Article 75 (2).

SECTION 4 Execution of Deportation Orders

Article 77 (Execution of Deportation Orders)

(1) The immigration control official, upon executing a deportation order as provided in Article 62 (1) of the Act, shall confirm whether or not

the money in deposit or personal belongings kept in custody, of the foreigner concerned, are to be returned.

(2) The head of the office or branch office or the head of the internment camp, upon requesting the services of a judicial police officer for the execution of a deportation order as provided in Article 62 (2) of the Act, shall issue a request for execution and deliver it with the written notice of deportation order: *Provided*, That if urgency is required, only the notice of a deportation order may be delivered and its execution may be requested orally.

(3) The immigration control official or the judicial police officer, upon executing repatriation by a deportation order as provided in Article 62 of the Act or failing to carry out the execution because the execution thereof is impossible, shall enter the reason thereof in the notice of deportation order and submit it without delay to the head of the office or branch office or the head of the internment camp.

(4) The immigration control official, upon handing over a person subject to a deportation order to the head of a ship, etc. or forwarder under the proviso of Article 62 (3) of the Act, shall deliver a written notice of repatriation order which contains personal information about the person, the reason for deportation, and a reminder of obligation to repatriate provided in Article 76 of the Act, and receive a certificate of acceptance which states that the obligation shall be executed and that the person subject to a deportation order has been handed over.

Article 78 (Internment of Persons subject to Deportation Orders, or Cancellation of Internment)

(1) The head of the office or branch office or the head of the internment camp, if wanting to intern a person subject to a deportation order until he can be repatriated as provided in Article 63 (1) of the Act, shall issue a written notice of internment order for deportation and show it to the person subject to the deportation order.

(2) The head of the office or branch office or the head of the internment camp, when canceling an internment as provided in Article 63 (2) of the Act, shall issue a written notice of canceling an internment which specifies the reasons for canceling an internment, restriction on residence, and other necessary conditions to the person subject to the deportation order. In this case, if the person subject to the deportation order is interned in

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the foreigner internment camp, the head of the office or branch office or the head of the internment camp shall send a written request for canceling of an internment which specifies the reason for the canceling an internment to the head of the foreigner internment camp.

(3) The head of the office or branch office or the head of the internment camp shall keep up with movements of the person whose internment is canceled as provided in paragraph (2), including whether a restriction on residence and other conditions are followed.

SECTION 5 Temporary Release of Internment

Article 79 (Temporary Cancellation of Internment)

(1) A person who wants to request a temporary cancellation of internment as provided in Article 65 (1) of the Act shall submit a written request for temporary cancellation of internment with materials proving the reason for the request and the capability of paying security money to the head of the office or branch office or the head of the internment camp.

(2) The head of the office or branch office or the head of the internment camp, upon making a decision on the request provided in paragraph (1), shall prepare a written notice of a decision on the request for temporary cancellation of internment, specifying the judgement, reason and Articles of applicable Acts, and deliver it to the applicant.

(3) In case of paragraph (2), when a decision is made to temporarily cancel the internment, the written notice of the decision shall include not only the duration of internment cancellation, the amount of security money, the date, time and place of payment, restriction on residence, and other necessary conditions, but also statements to the effect that the internment may be temporarily canceled if security money is paid and that the temporary cancellation of internment may be revoked and the security money may be reverted to the National Treasury if the conditions are violated.

(4) The head of the office or branch office or the head of the internment camp, upon making a decision to temporarily cancel the internment, shall deliver a written request for canceling the internment with the duration of internment cancellation specified to the head of the foreigner internment camp, if the suspect is interned in the foreigner internment camp.

(5) With respect to the procedures for depositing security money as provided in Article 65 (2) of the Act, the provisions of Article 17 (2) shall apply *mutatis mutandis*.

(6) The security money which has been deposited as provided in paragraph (5) shall be returned to the person who has paid the security money when he departs or the temporary release of internment is cancelled, except when reverted to the National Treasury as provided in Article 66 (2) of the Act. *<Amended by Presidential Decree No. 15417. Jun. 28, 1997>*

Article 80 (Revocation of Temporary Cancellation of Internment)

(1) The head of the office or branch office or the head of the internment camp, upon issuing a written notice of revocation of temporary cancellation of internment as provided in Article 66 (2) of the Act, shall deliver a written notice of revocation with the reason for revocation and the place of internment to the applicant for temporary cancellation of the internment and intern the suspect again without delay.

(2) With respect to the procedure for reverting security money to the National Treasury as provided in Article 66 (2) of the Act, the provisions of Article 17 (4) and (5) shall apply *mutatis mutandis*.

SECTION 6 Recommendation for Departure

Article 81 (Recommendation for Departure)

"A minor offense" in Article 67 (1) 1 of the Act refers to the case where the provisions of Articles 17 and 20 of the Act are violated by a person for the first time and the duration of violation is less than 10 days. *<Amended by Presidential Decree No. 14301. Jun. 30, 1994>*

CHAPTER VI SEARCH OF SHIP, ETC.

Article 82 (Search and Examination of Ships, etc.)

(1) The immigration control official, upon making a search and examining a ship, etc. as provided in Articles 69 and 70 of the Act, shall confirm the following subparagraphs: *<Amended by Presidential Decree No. 14301. Jun. 30, 1994>*

1. Validity of a passport, etc.;

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2. Whether or not the crew or passengers have followed the right procedure to be on board:
3. Whether or not the crew or passengers on board are the same as those on the list of crew and passengers submitted as provided in Article 75 (1) of the Act:
4. Whether or not any of the crew or passengers is prohibited from entry or departure:
5. If any of the crew or passengers has ever left a ship, etc. before the search, in the case of an incoming ship, etc.:
6. If any of the crew or passengers has not come back to the ship, etc. until the search, in the case of an outgoing ship, etc.:
7. If anyone other than a crew member or passenger has ever trespassed on board a ship, etc. without permission for boarding; and
8. If anyone who wants to enter or depart without following the right procedure is hiding on board a ship, etc.

(2) If the departure of a ship, etc. is likely to be delayed on account of the search on board by the immigration control officials as provided in paragraph (1) or if it is deemed necessary, the head of the office or branch office may require the crew and passengers to submit their passport, etc. and necessary documents before the ship, etc. leaves the port and have the eligibilities of the crew and passengers checked in advance.

Article 82-2 (Scope of ship, etc. subject to Search and Examination)

The scope of ship, etc. which are subject to search and examination by the immigration control officials shall include the following subparagraphs. *(Amended by Presidential Decree No. 14817, Dec. 1, 1995; Presidential Decree No. 15417, Jun. 28, 1997)*

1. A ship, etc. of the Republic of Korea or a foreign country that plies between a port in the Republic of Korea and a port abroad;
2. A ship, etc. of the Republic of Korea or a foreign country that plies between a port in the Republic of Korea and an ocean area (a fishing ship, etc. is excepted when no foreigners are on board); and
3. A ship, etc. which is provided in either subparagraph 1 or 2 and which plies between the ports in the Republic of Korea after calling at a port in the Republic of Korea.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 83 (Search and Entry or Departure Inspection at Places other than Immigration Ports)

(1) The head of a ship, etc. or a forwarder, upon submitting a written notice of entry or departure schedule to the head of the office or branch office as provided in Article 69 (2) of the Act, shall be deemed to have applied for the following permissions:

1. Permissions provided in the provisos of Articles 3 (1) and 6 (1) of the Act; and

2. Permissions provided in Articles 12 (2) and 28 (2) of the Act.

(2) If the competent authorities permit the ship, etc. concerned to enter or depart from a port, the head of the office or branch office shall search the ship, etc. as provided in Article 69 (2) of the Act, except when there are special reasons.

(3) Where the immigration control officials begin searching and examining as provided in Article 69 of the Act, the head of the office or branch office is deemed to have applied for permission as provided in subparagraphs of paragraph (1): *Provided*, That if there are any special reasons that the permission can not be granted, the head of a ship, etc. or a forwarder shall be immediately notified thereof.

Article 84 (Permission to Embark)

(1) A person who wants to obtain permission to embark as provided in Article 72 (1) of the Act shall submit a written application for permission to embark with documents explaining the reason for embarking: *Provided* That if there are unavoidable reasons, the head of a ship, etc. or a forwarder may submit the application instead.

(2) If a person desiring to embark in a ship, etc. for repair, cleaning, work, or other purposes wants to obtain permission for boarding as provided in Article 72 (1) of the Act while the ship, etc. sails from and to an immigration port or place other than the immigration port in the Republic of Korea, the head of the ship, etc. or a forwarder shall submit a written application for permission to embark with documents explaining the reason for embarking to the head of the office or branch office.

(3) A person who wants to obtain permission to enter the immigration inspection place shall submit a written application for permission to enter the immigration inspection place with documents explaining the reason thereof to the head of the office or branch office.

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CHAPTER VII RESPONSIBILITIES
OF HEAD OF SHIP, ETC.
AND FORWARDER

Article 85 Deleted. *<by Presidential Decree No. 15417. Jun. 28, 1997>*

Article 86 (Prior Notification of Entry and Departure)

The head of a ship, etc. or a forwarder shall give notice of expected entry and departure within 24 hours before the ship, etc. enters or departs from an immigration port: *Provided*. That when a regular liner enters or departs or when other special reasons arise, this provision shall not apply.

Article 87 (Obligation to Report)

(1) The head of a ship, etc. or a forwarder, upon undergoing a search as provided in Article 69 of the Act, shall present a report on entry into or departure from the port as provided in Article 75 (1) of the Act: *Provided*. That where the documents are examined as provided in Article 69 (6) of the Act, the report shall be presented at the examination.

(2) The head of an aircraft entering or departing from an immigration port or an air forwarder, when unable to submit a report on entry or departure as provided in paragraph (1), may instead submit the documents prescribed by the international standard procedure and appendix of recommendations of the International Civil Aviation Organization for reporting entry into or departure from ports.

Article 88 (Obligation to Repatriate)

(1) The head of the office or branch office, when demanding that the head of a ship, etc. or a forwarder repatriates a person provided in subparagraphs of Article 76 of the Act, shall issue and deliver a written notice of repatriation order: *Provided*. That where urgency is required, the head of the office or branch office may make the demand orally, and in this case, he shall deliver the written notice of repatriation order without delay.

(2) The head of a ship, etc. or a forwarder, upon finishing repatriating as provided in paragraph (1), shall report the result thereof in writing to the head of the office or branch office.

(3) With respect to a person whose repatriation is ordered as provided in paragraph (1), the head of a ship, etc. or a forwarder shall bear expenses such as transportation and lodging costs and intern the foreigner until he is repatriated.

CHAPTER VII-2 RECOGNITION OF REFUGEE STATUS

Article 88-2 (Recognition of Refugee Status)

(1) A foreigner who wants to request recognition as a refugee as provided in Article 76 (2) of the Act shall submit a written application for recognition as a refugee with documents proving his refugee status and two copies of his photograph to the head of the office or branch office or the head of the internment camp.

(2) The foreigner, when submitting an application as provided in paragraph (1), shall present the following documents. In this case, a person who is unable to present a passport, etc. or seaman's pocketbook shall submit a statement of reasons:

1. A passport, etc. or seaman's pocketbook;
2. A written notice of permission for a refugee's temporary landing, if the person is permitted to temporarily land as a refugee; and
3. A certificate of foreigner registration, if the foreigner is sojourning in the Republic of Korea and has registered as a foreigner.

(3) The head of the office or branch office or the head of the internment camp, upon receiving a written application as provided in paragraph (1), shall interview the applicant for refugee status, examine the facts of the application, and send the result thereof with the application to the Minister of Justice.

(4) The Minister of Justice, upon receiving the written application as provided in paragraph (3), shall examine and decide on whether to grant refugee status.

(5) If it is deemed necessary in examining whether to grant refugee status, the Minister of Justice may consult with the head of the central administrative agency concerned.

(6) The Minister of Justice, upon deciding to grant refugee status as provided in paragraph (4), shall issue a certificate of refugee recognition to the applicant through the head of the office or branch office or the head of the internment camp.

(7) Where refugee status is not granted as provided in Article 76-2 (3) of the Act, a written notice of no permission for refugee status shall be issued and contain the reasons for refusal and a statement to the effect that an objection can be raised.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 88-3 (Cancellation of Refugee Recognition)

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When refugee recognition is canceled as provided in Article 76-3 (2) of the Act, a written notice of cancellation of refugee recognition shall be issued and contain the reason thereof and a statement to the effect that an objection can be raised.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 88-4 (Objection)

(1) A foreigner who wants to raise an objection as provided in Article 76-4 of the Act shall submit a written notice of objection with materials explaining the reason for the objection to the head of the office or branch office or the head of the internment camp.

(2) The head of the office or branch office or the head of the internment camp, upon receiving a written notice of decision objection as provided in paragraph (1), shall send it with his own opinion to the Minister of Justice without delay.

(3) The Minister of Justice, upon receiving a written notice of objection as provided in paragraph (2), shall examine and decide whether the objection is sustainable.

(4) The Minister of Justice, upon deciding that the objection is sustainable as provided in paragraph (3), shall issue a certificate of refugee recognition to the applicant through the head of the office or branch office or the head of the internment camp, or upon deciding that the objection is not sustainable, shall issue a written notice of the decision on the objection to the applicant through the head of the office or branch office or the head of the internment camp.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 88-5 (Issuance of Refugee Travel Certificate)

(1) A foreigner who wants to apply for a refugee travel certificate shall submit a written application for a refugee travel certificate with a certificate of refugee recognition, a certificate of foreigner registration (only if he has registered as a foreigner) and two copies of his photograph to the Minister of Justice through the head of the office or branch office having jurisdiction over the place of sojourn. *(Amended by Presidential Decree No. 14817, Dec. 1, 1995)*

(2) When issuing a refugee travel certificate with respect to the application as provided in paragraph (1), the Minister of Justice shall enter the fact thereof in the issuance register of refugee travel certificates and deliver it to the applicant through the head of the office or branch office having jurisdiction over the place of sojourn.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 88-6 (Reissuance of Refugee Travel Certificates)

(1) The Minister of Justice may reissue a refugee travel certificate to the person who has already been issued with a refugee travel certificate on the following occasions:

1. Where a refugee travel certificate is lost or missing;
2. Where a refugee travel certificate is worn-out; and
3. Where the Minister of Justice deems it necessary to reissue.

(2) A person who wants to obtain a refugee travel certificate as provided in paragraph (1) shall submit a written application for reissuance of a refugee travel certificate with documents explaining the reason thereof and two copies of his photograph to the Minister of Justice through the head of the office or branch office having jurisdiction over the place of sojourn or the head of a diplomatic mission abroad within 14 days from the date on which any cause for reissuance occurs.

(3) Where the reissuance is applied for as provided in paragraph (1) 2 or 3, the original refugee travel certificate shall be appended with the application.

(4) The Minister of Justice, when reissuing a refugee travel certificate which is applied for as provided in paragraph (2), shall enter necessary information such as the fact that the certificate is reissued in the reissuance register of refugee travel certificates and deliver it to the applicant through the head of the office or branch office having jurisdiction over the place of sojourn or the head of a diplomatic mission abroad.

[This Article Newly Inserted by Presidential Decree No. 14301. Jun. 30, 1994]

Article 88-7 (Extension of Validity Term of Refugee Travel Certificate)

(1) The Minister of Justice shall delegate his authority over permission for extending validity term of refugee travel certificates to the head of a diplomatic mission abroad as provided in Article 76-5 (6) of the Act.

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(2) A foreigner who wants to apply for permission for extending the validity term of a refugee travel certificate as provided in Article 76-5 (5) of the Act shall submit a written application for permission for extending the validity term of a refugee travel certificate with documents explaining the reason thereof to the head of a diplomatic mission abroad.

(3) The head of a diplomatic mission abroad, when granting permission for extending the validity term to a foreigner who has applied for an extension of the validity term as provided in paragraph (2), shall enter the extended term of validity in the refugee travel certificate.

(4) The head of a diplomatic mission abroad, upon permitting an extension of the validity term of a refugee travel certificate as provided in paragraph (3), shall report the fact thereof to the Minister of Justice without delay.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

Article 88-8 (Return of Refugee Travel Certificates)

The Minister of Justice, when ordering the return of a refugee travel certificate as provided in Article 76-6 (2) of the Act, shall issue a written notice of order to return the refugee travel certificate to the foreigner through the head of the office or branch office.

[This Article Newly Inserted by Presidential Decree No. 14301, Jun. 30, 1994]

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 89 (Persons Responsible to Apply for Permission)

(1) "Other person prescribed by the Act" in Article 79 of the Act means a *de facto* supporter, a sibling, a surety, or a cohabitant.

(2) Where a parent is unable to apply as provided in Article 79 of the Act, the person provided in paragraph (1) shall apply in the order provided in the same paragraph.

Article 90 (Examination of Facts)

The competent official provided in Article 80 (1) of the Act, upon examining the contents of report or registration and finding them false, shall notify the head of the office or branch office thereof. *<Amended by Presidential Decree No. 14301, Jun. 30, 1994; Presidential Decree No. 16120, Feb. 26, 1999>*

Article 91 (Watch over Foreigner's Movements)

(1) The immigration control official, when investigating the movement of a foreigner as provided in Article 81 (1) of the Act, shall keep a record thereof.

(2) The immigration control official shall watch over whether a person who has been issued with a suspension order of activities provided in Article 22 or a restriction order on the scope of activity provided in Article 27 complies with the order or restriction and keep a record thereof.

(3) Details about the report on watching a foreigner's movement and record keeping shall be prescribed by the Ordinance of the Ministry of Justice.

Article 91-2 (Public Officials Belonging to Related Agencies)

(1) The term "public officials belonging to related agencies" listed in Article 81 (1) of the Act means :

1. Public officials belonging to the Ministry of Labor in charge of the business on employment and finding employment;
2. Public officials belonging to the Small and Medium Business Administration in charge of the protection and management business of industrial trainees; and

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3. Other public officials belonging to related central administrative agencies who are deemed necessary by the Minister of Justice in relation to the protection and management of industrial trainees.

(2) Where any public official belonging to the related agency surveys the movements in foreigners pursuant to Article 81 (1) of the Act, he shall notify the head of the office or the head of the branch office of the content.

[This Article Newly Inserted by Presidential Decree No. 15764, Apr. 1, 1998]

Article 92 (Uniform and Identification Card of Immigration Control Officials)

(1) The immigration control official, when engaging in duties of immigration control, shall wear a uniform: *Provided*, That where the Ministry of Justice permits or there is a special reason, this provision may not apply.

(2) The immigration control official, when conducting duties of a judicial police officer as provided in Article 3 (4) of the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties, shall carry an identification card of a judicial police officer with him.

(3) Details about the uniform provided in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Justice.

Article 93 (Relation to Penal Procedure)

(1) The head of the office or branch office or the head of the internment camp, upon issuing a deportation or departure order to a person against whom a summary order is requested by a public prosecutor, may execute the deportation order before the summary order of a district court and let the person who is ordered to depart leave the Republic of Korea, if the chief of a district public prosecutor's office having jurisdiction over the foreigner has an opinion that the foreigner's departure poses no

difficulties to trials and the foreigner has paid a fair amount of fine.

(2) Upon issuing a deportation or departure order to a person who has not paid a fine or surcharge in full, the head of the office or branch office or the head of the internment camp may execute the deportation order and let the person who is ordered to depart leave the Republic of Korea even though the fine or surcharge has not paid in full, if the chief of a district public prosecutor's office having jurisdiction over the foreigner has an opinion that the foreigner has no ability to pay.

Article 94 (Revocation and Change of Various Permissions)

(1) The Minister of Justice, upon revoking or changing permission to extend the duration of sojourn as provided in Article 89 (1) of the Act, shall notify the foreigner concerned and enter it in a passport, etc.

(2) When a certificate of visa issuance provided in Article 9 of the Act, a permission for conditional entry provided in Article 13 of the Act, a permission for crew landing provided in Article 14 of the Act, or a permission for an activity other than sojourn eligibility provided in Article 20 of the Act is revoked as provided in paragraph (1), the immigration control official shall collect the certificate thereof.

(3) Deleted. *(by Presidential Decree No. 16120, Feb. 26, 1999)*

Article 94-2 (Procedure for Stating Opinion)

(1) Notification provided in Article 89 (3) of the Act shall be made in writing: ~~Provided, That this provision shall not apply where notification can not be made because the foreigner's or applicant's whereabouts are unknown.~~

(2) When notified as provided in paragraph (1), the foreigner or applicant may appear at a given time and place and state his opinion, or present his opinion in writing to the Minister of Justice. In this case, if failing

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to state an opinion or present an opinion in writing by the given time, the foreigner or applicant shall be deemed to have no opinion.

(3) When the foreigner or applicant appears and states his opinion under paragraph (2), the official concerned shall prepare a written summary thereof and require the person who has made the statement to confirm and sign it.

[This Article Newly Inserted by Presidential Decree No. 16120, Feb. 26, 1999]

Article 95 (Fidelity Guarantee)

(1) The provisions of Article 17 (2) shall apply to the procedure for depositing security money as provided in Article 90 (4) of the Act.

(2) If a fidelity guarantor provided in Article 90 (1) of the Act fails to fulfill his responsibility to guarantee a foreigner, the security money deposited as provided in Article 90 (4) of the Act shall be used to cover expenses for sojourn, internment, and departure of the guaranteed foreigner as provided in paragraph (2) of the same Article.

(3) The security money deposited as provided in Article 90 (4) of the Act shall be returned to the surety if he fulfills his responsibility for fidelity bond or if the goal of fidelity bond is achieved. *(Amended by Presidential Decree No. 15417, Jun. 28, 1997)*

Article 95-2 (Procedures for Exercising Right to Indemnity)

(1) If the Minister of Justice wishes to exercise the right to indemnity as provided in Article 90 (3) or 90-2 (2) of the Act, he shall specify the ground, etc. for calculation of the amount of the indemnity and give a written notification to the fidelity guarantor or the illegal employer to the effect that such amount of the indemnity shall be paid.

(2) The fidelity guarantor or the illegal employer who has received the notification of payment for the amount of indemnity referred to in paragraph (1) shall pay the amount of indemnity within 15 days from the date of receipt of the notification.

[This Article Newly Inserted by Presidential Decree No. 15417, Jun. 28, 1997]

Article 96 (Delegation of Authority)

(1) As provided in Article 92 (1) of the Act, the Minister of Justice shall delegate his authority provided in Articles 9, 20, 21, 23 through 25, 30 (1), 89, 90 and 90-2 of the Act to the head of the office or branch office or the head of the internment camp as prescribed by the Ordinance of the Ministry of Justice. *(Amended by Presidential Decree No. 14301, Jun. 30, 1994; Presidential Decree No. 15417, Jun. 28, 1997)*

(2) As provided in Article 92 (2) of the Act, the head of *Shi* (limited to the *Shi* which is an urban and rural combination) or the head of a *Kun* shall delegate his authority provided in Articles 34 (2) and 36 of the Act to the head of *Eup/Myon*. *(Amended by Presidential Decree No. 14486, Dec. 31, 1994)*

Article 97 (Procedure for Entry or Departure Inspection on Travel between South and North Korea)

(1) The provisions of Article 1 shall apply *mutatis mutandis* to the entry or departure inspection of nationals as provided in Article 93 (1) of the Act. In this case, the immigration control official shall confirm the matters concerning Article 22 (1) 1, 4 and 5 of the Enforcement Decree of the Inter-Korea Exchange and Cooperation Act.

(2) The provisions of Articles 15 and 35 shall apply *mutatis mutandis* to the inspection of a foreigner as provided in Article 93 (2) and (3) of the Act.

(3) The Minister of Justice, upon performing an entry or departure inspection as provided in paragraphs (1) and (2), shall consult with the head of the agency concerned, including the Minister for National Unification, if the case is deemed to be detrimental to the security or public order of the Republic of Korea or to have a great influence on relations between South and North Korea.

Article 98 (Immigration Ports)

(1) Immigration ports shall be designated as follows, as provided in subparagraph 5 of Article 2 of the Act: *(Amended by Presidential Decree No. 14447, Dec. 23, 1994; Presidential Decree No. 15417, Jun. 28, 1997)*

1. The international airports designated by the Minister of Construction and Transportation as provided in subparagraph 5 of Article 2 of the Aviation Act;
2. The places of entry or departure as provided in Article 2 (1) 1 and 4

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of the Enforcement Decree of the Inter-Korea Exchange and Cooperation Act:

3. The open ports as provided in Article 2 of the Enforcement Decree of the Public Order in Open Ports Act; and
4. Osan Military Airfield, Taegu Military Airfield, Kwanju Military Airfield, Kunsan Military Airfield, Chungju Military Airfield, and Seoul Airport.

(2) The City Airport Terminal shall be deemed as part of the facilities of an immigration port as provided in subparagraph 6 of Article 2 of the Aviation Act.

Article 99 (Keeping Provisional Money Deposits in Custody)

The procedure for keeping in custody and returning provisional money deposits, personal belongings, and articles presented as prescribed in the Act and this Decree shall be prescribed by the Ordinance of the Ministry of Justice, except as provided by this Decree.

Article 100 (Establishment of Due Forms)

The due forms for various applications and reports shall be prescribed by the Ordinance of the Ministry of Justice.

Article 101 (Enforcement Rules)

Details about the enforcement of this Decree shall be prescribed by the Ordinance of the Ministry of Justice

CHAPTER IX FINES FOR NEGLIGENCE

Article 102 (Imposition of Fines for Negligence)

(1) When a fine for negligence is imposed as provided in Article 100 (4) of the Act, the facts of the offense and the amount of fine for negligence shall be specified in writing after the charge is investigated and confirmed and the person subject to the fine for negligence shall be notified thereof.

<Amended by Presidential Decree No. 14301, Jun. 30, 1994>

(2) The head of the office or the branch office, when imposing a fine as provided in paragraph (1), shall give the person subject to the fine for negligence an opportunity to appear at a given time and place to state his opinion or present his opinion in writing. In this case, the person is deemed to have no opinion if he does not state his opinion or present his opinion in writing by the given time. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

(3) The criteria for imposing a fine for negligence in accordance with the degree of an offense are given in the attached Table 2: *Provided*, That the head of the office or the branch office may reduce or increase it within a range of half the amount in question, in consideration of the contents and period of the offense. *<Amended by Presidential Decree No. 15417, Jun. 28, 1997>*

(4) The procedure for collecting fines for negligence shall be prescribed by the Ordinance of the Ministry of Justice.

CHAPTER X CHARGES AND NOTIFICATION

SECTION 1 Charges

Article 103 (Notification of Results from Handling Cases)

With respect to a case handed over as provided in Article 101 (2) of the Act, the head of the office or branch office or the head of the internment camp shall notify the head of the agency that has handed over the case of the result thereof.

SECTION 2 Notification

Article 104 (Procedure for Notifying)

(1) The head of the office or branch office or the head of the internment camp, when deciding on notification as provided in Article 102 (1) of the Act, shall draw up a written notice of the decision on examination provided in Article 72 and a written notification.

(2) The notification letter provided in paragraph (1) shall contain the name, sex, birth date and address of the person who is subject to the notification decision, the amount of penalty, the facts of the offense, Articles of applicable Acts, the place and period of payment, and the date of the notification decision, and shall be signed by the head of the office or branch office or the head of the internment camp.

(3) With respect to an immigration offender whose charges are manifested by his passport, etc. or documents and the decision is undisputed, the head

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of the office or branch office or the head of the internment camp may not prepare a report on acknowledging suspicion provided in Article 57, an investigation record of a suspect provided in Article 59 (1), and a written notice of decision on examination and a written notification provided in paragraph (1), or may instead draw up a notice of decision on examining an immigration offender.

Article 105 (Procedure for Paying Penalties)

(1) A person subject to a notification decision as provided in Article 102 (1) of the Act shall pay a penalty at a national bank, its branch office or agency, or post office (hereinafter referred to as the "receiving agency") designated by the head of the office or branch office or the head of the internment camp within the period of payment as provided in Article 105 of the Act.

(2) A receiving agency, upon receiving a penalty as provided in paragraph (1), shall issue a receipt to a penalty payer.

(3) A receiving agency, upon issuing a receipt as provided in paragraph (2), shall deliver a notice certifying the payment without delay to the head of the office or branch office or the head of the internment camp who has issued the notification decision.

(4) A penalty shall not be paid in installments.

Article 106 (Service of Written Notification)

The service of a written notification as provided in Article 104 of the Act shall be subject to the provisions of Article 91 of the Act.

Article 107 (Provisional Payment of Penalties)

(1) A person who is subject to a notification decision, when wanting to pay a penalty provisionally as provided in Article 102 (2) of the Act, shall submit a written application for provisional payment to the head of the office or branch office or the head of the internment camp.

(2) The head of the office or branch office or the head of the internment camp, upon receiving a provisional payment of penalty as provided in paragraph (1), shall enter it in the provisional custody register of penalties without delay and issue a receipt of provisional payment to the payer.

(3) The head of the office or branch office or the head of the internment camp, upon receiving a provisional payment of penalty as provided in paragraph (2), shall pay it to the receiving agency.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on April 1, 1993.

Article 2 (Abolition of Statutes)

The rules for designating immigration ports shall be repealed.

Article 3 (Transitional Measures concerning Status of Sojourn)

(1) A status of sojourn specified in a visa, a certificate of visa issuance, or a written notice of permission for foreigner's entry issued as provided in the previous provisions at the time of enforcement of this Decree shall be deemed as having been provided in this Decree until corrected, but the status of sojourn provided in the previous provisions shall be corrected by the head of the office or branch office when various permissions relating to the sojourn are granted or a residence report certificate is replaced by a certificate of foreigner registration for the first time after this Decree enters into force.

(2) The sojourn period permitted as provided in the previous provisions at the time when this Decree enters into force of the enforcement of shall be deemed as permitted, as provided in this Decree.

Article 4 (Transitional Measures concerning Validity of Notice of Departure Order)

The written notice of departure order issued as provided in the previous provisions at the time when this Decree enters into force shall be valid until the departure period expires.

Article 5 (Transitional Measures concerning Assigning Foreigner Registration Numbers)

(1) A registration number for a foreigner who has a reported residence as provided in the previous provisions before the enforcement of this Decree shall be assigned by the head of the office or branch office having jurisdiction over the place of sojourn when the residence report certificate is replaced by a certificate of foreigner registration notwithstanding the provisions of Article 40 (2).

(2) The record of a resident foreigner drawn up as provided in the previous provisions at the time when this Decree enters into force shall be deemed as a registered foreigner record provided in this Decree.

(3) The foreigner registration card drawn up and kept on file by the head of a *Shi/Ku/Eup/Myon* as provided in the previous provisions at the time

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when this Decree enters into force, if a residence report certificate is renewed as a certificate of foreigner registration, shall be drawn up again by the head of the office or branch office and replaced when it is sent to the head of a *Shi/Kun/Ku*.

Article 6 (Transitional Measures concerning Written Request for Internment)

A written request for confinement, a notice of confinement, a notice of extending the confinement period, a written request for canceling the confinement, a notice of canceling the confinement, a written request for temporary cancellation of confinement, and a written notice of decision on temporary cancellation of confinement issued as provided in the previous provisions at the time when this Decree enters into force shall be deemed as a written request for internment, a notice of internment, a notice of extending the internment period, a written request for canceling the confinement, a notice of canceling the internment, a written request for temporary cancellation of internment, and a written notice of decision on temporary cancellation of confinement, respectively, as provided in this Decree.

Article 7 (Revision of Other Acts and Subordinate Statutes)

(1) through (5) Omitted.

(6) Where the Enforcement Decree of Immigration Control Act or its provisions are cited in other Acts, except for paragraphs (1) to (5), this Decree or the provisions concerned in this Decree shall be deemed as cited in lieu of the previous provisions, if there exists in this Decree a provision that corresponds to the one cited.

ADDENDA *(Presidential Decree No. 14301, Jun. 30, 1994)*

(1) (Enforcement Date) This Decree shall enter into force on July 1, 1994.

(2) (Transitional Measures concerning Status of Sojourn) A person who has obtained an eligibility to no visa entry (B-2) under the previous provisions at the time of the enforcement of this Decree shall be deemed to have obtained an eligibility to sightseeing or transit entry (B-2) under this Decree.

ADDENDA *(Presidential Decree No. 14447, Dec. 23, 1994)*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.
Articles 2 through 5 Omitted.

ADDENDUM *〈Presidential Decree No. 14486, Dec. 31, 1994〉*

This Decree shall enter into force on January 1, 1995.

ADDENDA *〈Presidential Decree No. 14817, Dec. 1, 1995〉*

- (1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.
- (2) (Transitional Measures concerning Status of Sojourn) The status of specific employment (E-7) obtained under the previous provisions at the time when this Decree enters into force shall be deemed as the one to specific activity under this Decree, until the status of sojourn eligibility is corrected.

ADDENDA *〈Presidential Decree No. 15417, Jun. 28, 1997〉*

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 1997.
- (2) (Transitional Measures concerning Status of Sojourn) The status of sojourn for business purpose (D-7) granted under the previous provisions at the time when this Decree enters into force shall be deemed as the one granted under this Decree.

ADDENDA *〈Presidential Decree No. 15764, Apr. 1, 1998〉*

- (1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.
- (2) (Example of Application on Permission for Change of Status of Sojourn) The amendment to Article 24-5 (1) shall apply to industrial trainees entering the country after the entry into force of this Decree.
- (3) (Transitional Measures on Permission on Extension of Sojourn Period) Permission on extension of sojourn period to those who entered the country as industrial trainees prior to the entry into force of this Decree shall be governed by the former provisions.

ADDENDUM *〈Presidential Decree No. 16120, Feb. 26, 1999〉*

This Decree shall enter into force on March 1, 1999.

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ADDENDA *(Presidential Decree No. 16211. Mar. 31. 1999)*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.
Articles 2 through 4 Omitted.